

REMARKS/ARGUMENTS

Claims pending in this application are Claims 1-28. Claim 1 has been amended to correct informalities. Claims 7 and 27 are cancelled without prejudice and rewritten in independent form. Accordingly, upon entry of these amendments, Claims 1-6, 8-26, and 28 will be before the Examiner for consideration.

Claim Informalities

1. The Applicants amend Claim 1 to correct the spelling of composition.

35 U.S.C. § 103(a) Rejections and Allowable Subject Matter

2. The Examiner has rejected Claims 1, 5, 6, 8, 9, and 13-17 under 35 U.S.C. §103(a) as being unpatentable over Holland, et al., (U.S. Pat. No. 6,024,889 hereinafter referred to as the “Holland reference”). The Office Action stated that the Holland reference discloses a composition comprising a fuel, oxidizer, and binder. The Office Action stated that the fuel is 5-aminotetrazole in the amount of up to about 50%, the oxidizer is alkali metal nitrates or perchlorates in the amount of as little as 20%, the binder is a polymeric binder in the amount of up to 15%. The Office Action also stated that the amount of fuel in the Holland reference is close enough to that claimed, that the skilled artisan would expect both composition to have the same properties.

Additionally, the Examiner has rejected Claims 2, 10, 18, 21, 23, and 28 under 35 U.S.C. §103(a) as being unpatentable over the Holland reference in view of the Lawrence R. Grzyl (U.S. Pat. No. 6,045,637 hereinafter referred to as “Grzyl reference”). The Office Action stated that the Holland reference discloses same as above; however, does not teach a flame inhibitor precursor. The Office Action stated that Grzyl teaches a fire suppressing gas generating composition comprising fuel, oxidizer, and binder; the flame retardant materials or bromine contained hexabromocyclododecane and decabromodiphenyl oxides. And further, that it would have been obvious to one of ordinary skill in the art to incorporate flame inhibiting precursors into the composition of the Holland reference.

Finally, the Office Action has also rejected Claims 3, 4, 11, 12, 17, 20, 22, and 24-26 under 35 U.S.C. § 103(a) as being unpatentable over the Holland reference in view of the Grzyll reference in view of Taylor, et al., (U.S. Pat. No. 5,467,715 hereinafter referred to as the “Taylor reference”). The Applicants are assuming that claim 1 is rejected here even though it is listed out of order above. The Office Action stated that the although neither the Holland or the Grzyll reference teach powder pressing material or electrostatic charge suppressors that the Taylor reference teaches a similar gas generating suppressing composition and that it is frequently desirable to pelletize the gas generating composition requiring use of binder and pressing aids such as graphite and mica. Therefore, the Office Action states that because Taylor teaches the conventional use of graphite and mica for pelletizing in gas generating compositions which also comprises high nitrogen content solids and oxidizers, it would have been obvious to one of ordinary skill in the art at the time of the Applicants’ invention to incorporate graphite and mica into the composition of the Holland reference.

The Office Action further stated that there is allowable subject matter. Claims 7 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Office Action stated that the prior art of record fails to teach or suggest polyethyl acrylate in fire suppressing gas generating compositions claimed by Applicants. If Applicants’ rewrite Claims 7 and 27 in independent form into independent Claims 1 and 13, these amendments should place the application in condition for allowance and therefore respectfully remove the 103(a) rejection grounds described above.

Since the prior art of record failed to teach or suggest polyethyl acrylate in fire suppressing gas generating compositions, Applicants submit the following rewritten Claims 1 and 13, and cancelled Claims 7 and 27. Applicants submit rewritten base Claims 1 and 13 to include all the limitations of Claims 7 and 27 and all of the limitations of the base claim in independent form and all intervening Claims. Therefore, since dependent Claims 2-6, 8-12, 14-26, and 28 dependent off of newly amended independent

Claims 1 and 13 including the allowable subject matter of Claims 7 and 27, the depend
Claims 2-6, 8-12, 14-26, and 28 should also be placed in condition for allowance.

Accordingly, reconsideration and withdrawal of this ground for all three §103(a)
rejections are respectfully requested.

The Commissioner is authorized to charge any fees associated with filing of this
response to Deposit Account No. 50-0931..

Applicant submits that all grounds for rejection of claims presented herein have
been addressed and amended as such. Accordingly, Claims 1-6, 8-26 and 28 should be in
condition for allowance and will be before the Examiner for prosecution on the merits.

Applicant invites the Examiner to call the undersigned if clarification is needed on
any aspect of this response, or if the examiner believes a telephonic interview would
expedite the prosecution of the subject application to completion.

Respectfully Submitted,



Navy Case No. 79377

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